

OGC 72-1115

31 July 1972

MEMORANDUM FOR THE RECORD

SUBJECT: U. S. v. IBM (69 Civ. 200 S.D. N. Y.)

REFERENCE: M/R by [ ] (OGC 72-0775),  
dtd 6 June 72, Same Subject

STATINTL

1. Periodically, I have been checking with the Department of Justice for information regarding the progress being made by IBM in inspecting documents required to be made available pursuant to Pretrial Order No. 2.
2. On 20 July, I spoke individually to Messrs. Carlson and Moy and a Mr. Fitzgerald, who was identified as being responsible for coordinating the inspection schedule. I told Fitzgerald we had been standing by since the latter part of June, and we would appreciate some estimate of when our documents had to be made available.
3. Fitzgerald said that IBM was then examining the Navy's documents. It would not complete this work for several weeks. Thereafter it would spend a week or two with DOD's R&E. He said it was most unlikely that the Agency would be reached until the first week of September at the earliest.
4. As a matter of incidental interest, Carlson had said that Chief Judge Edelstein had removed himself from the case to be replaced by Judge Murray I. Guerfein. It was Guerfein who presided in U. S. v. New York Times. Personally, Carlson

STATINTL

welcomes the change. It seems that during the course of the preliminary hearings Edelstein has been somewhat abusive of Government counsel.



Assistant General Counsel

cc: DD/SEC  
Ea. Directorate, IPC  
C/IPS/OPPB

OGC:RJB:bg

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